

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERRY A. BRENDEN,

Plaintiff,

v.

SELLEN CONSTRUCTION,

Defendant.

CASE NO. C05-427RSM

ORDER OF DISMISSAL

Plaintiff Jerry Brenden, proceeding *pro se* and *in forma pauperis*, filed this action, designated by him as a class action. Although he has presumably invoked this Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332, the Court cannot determine whether the requisite jurisdictional amount has been met. Plaintiff has stated no facts whatsoever with respect to his claim for twenty-four million dollars in relief. Nor has he stated any facts whatsoever with respect to the named defendant. It would be impossible for defendant to frame an answer to this complaint.

On March 28, 2005, the Court ordered plaintiff to show cause why the complaint should not be dismissed for lack of jurisdiction and failure to meet the requirements of F.R.Civ. P. 8(a), which requires (1) a short and plain statement of the grounds upon which the Court's jurisdiction depends, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment related to the claim. Plaintiff's April 14, 2005 response to the Order to Show Cause fails to

1 correct either the jurisdictional defect or the Rule 8 deficiency. As to his renewed request for
2 appointment of counsel, that request is DENIED.

3 Pursuant to 28 U.S.C. § 1915(e)(2)(B), an *in forma pauperis* complaint shall be dismissed if the
4 Court determines that the action is frivolous or fails to state a claim on which relief may be granted. As
5 plaintiff has failed to demonstrate any basis for this Court's jurisdiction, or a factual basis for his claim as
6 directed in the Order to Show Cause, this action is now DISMISSED, without prejudice, for lack of
7 jurisdiction and for failure to state a claim, pursuant to § 1915(e)(2)(B)(ii).

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9 DATED this __16__ day of May, 2005.

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12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE
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